Remarks

The applicants elect to prosecute the species identified by the Examiner as species VII, which is allegedly shown in Figure 7 and described at page 16, lines 4-17 of the specification. The applicants respectfully submit that all claims read upon Figure 7 (and its corresponding description) as explained below.

The applicants respectfully traverse the election of species requirement for at least the following reasons:

1. Alleged species I and II are not patentably distinct. The only difference between Figures 1 and 2 is that the playback apparatus 105 of Figure 1 communicates with a server 150 via a network 140, and the playback apparatus 105 of Figure 2 communications with the server 150 via a wireless channel 220, which is a type of network. No one of skill in the art would consider the substitution of a wireless network as a patentably distinct feature.

2. Figures 5-7 (alleged species V-VII) merely show different views of the same embodiment of the invention. Figure 5 illustrates a transfer apparatus 510 including a plurality of CD/DVD units 515 and a network interface 505 to communicate with a playback apparatus 105.

Figure 6, however, merely depicts the operation of the transfer apparatus 510 shown in Figure 5. As stated in the specification with respect to Figure 5:

> the transfer apparatus 510 is configured to read from one set of CDs/DVDs at the same time as it encodes another set of CDs/DVDs (i.e., the set previously read). **Figure 6** graphically illustrates an embodiment in which two CDs/DVDs are read at the same time as another two CDs/DVDs are encoded.

Thus, Figure 6 does not depict anything more or less than the operation of the transfer apparatus 510 of Figure 5 when encoding multiple (in this case, two) CDs/DVDs at the same time.

Likewise, Figure 7 merely shows the "hardware architecture ... of the transfer apparatus" 510 shown in Figure 5. Specification at page 15. All of the components shown in Figure 5 are depicted within a dashed box labeled "transfer apparatus 510," which is identical to the transfer apparatus shown in Figure 5. For example, in the description of the transfer apparatus of Figure 5, the specification states that:

> one embodiment of the transfer apparatus 510 also includes encoders for compressing the data read from each CD/DVD (e.g., using digital encoding algorithms such as MPEG-2, MP3, AC-3 . . . etc) and a high speed interface for copying the encoded content to the playback apparatus 105.

Specification at page 12. Thus, Figure 7, which illustrates the above encoder, network interface, etc., is unquestionably a diagram of the internal hardware of the transfer apparatus 510 described and shown with reference to Figure 5.

3. Figure 8 merely shows multiple instances of the transfer apparatus 510 of Figures 5 and 7, each of which may access a network 840. Since each transfer apparatus 510 of Figures 5 and 7 includes a network interface 750, it is assumed that more than one transfer apparatus 510 is intended to access a network 840.

4. Figures 1-4 recite a different embodiment in which a single CD/DVD drive 110 is used to encode and store media within a playback apparatus 105. This is distinct from the embodiment of Figure 5 in which the playback apparatus 105 merely receives the encoded data generated by the separate transfer apparatus 510.

The applicants respectfully point out, however, that none of the claims are directed to encoding within the playback apparatus 105 as shown in Figures 1-4. For example, claim 1 recites:

> 1. A multimedia transfer apparatus comprising:
> a plurality of media readers;
> one or more encoder modules configured to encode data read by said media readers in a specified encoding format; and
> a data communication interface configured to copy said encoded data to a media storage and playback apparatus.

Because the encoded data is sent by the communication information to a "media storage and playback apparatus," claim 1 does not read on Figures 1-4.

Similarly, claim 17 recites:

> 17. A multimedia transfer apparatus comprising:
> media reading means for reading multimedia data from a particular media format;
> encoding means for encoding said data; and
> multimedia transfer means for transmitting said multimedia data to a multimedia playback and storage apparatus.

Likewise, claim 29 recites:

> 29. A computer-implemented method for transferring multimedia content comprising:
> reading first multimedia data from a first CD/DVD;
> encoding said first multimedia data to produce first encoded data in parallel with reading multimedia data from a second CD/DVD;
> encoding said second multimedia data to produce second encoded data; and
> transmitting said first and second encoded data to a multimedia storage and playback apparatus.

Claim 39 also reads on Figures 5-8, which relates to a method for providing a multimedia transfer service, which uses a multimedia transfer device (transfer apparatus 510) to transfer the multimedia content to a mass storage device (playback device 510) within a user's home.

Although Figures 5-8 to not specifically show the process of identifying CDs/DVDs, as described with reference to Figures 3 and 4 and claimed, for example, in claim 31, the applicants respectfully point out that the discussion of Figure 5 incorporates these teachings by reference as follows:

> After multimedia content is transferred to the user's playback system 105 (or during the transfer process), any of the CD/DVD identification techniques described above may be used to identify CDs/DVDs copied to the system (e.g., via communication with a server 150 having a CD/DVD database).

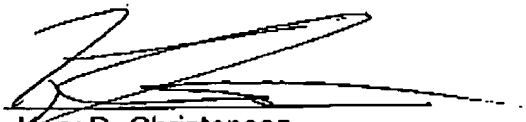
Specification at page 14. Because Figure 7 is merely the hardware architecture of the device shown in Figure 5, and the device shown in Figure 5 is described as having the CD/DVD identification feature, the applicants respectfully submit that claims covering CD/DVD identification are also included within the elected species.

In view of the foregoing, the applicants respectfully submit that the eight-way election of species requirement should be withdrawn. In particular, alleged species V-VII are directed to the same embodiment of the invention. Moreover, alleged species V incorporates by reference elements (*e.g.*, CD/DVD identification) of alleged species III and IV and should be read to include those elements. Because none of the claims read on alleged species I-IV, the applicant respectfully submits that all claims are included with this election.

Early allowance of all pending claims herein is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By 
Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999